

AO88 (Rev. 1/94) Subpoena in a Civil Case

**Issued by the**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF OKLAHOMA**

State of Oklahoma  
 vs.

AMENDED SUBPOENA IN A CIVIL CASE  
 (Amended as to new dates)

Tyson Foods, Inc., et al.

Case Number:<sup>1</sup> 04:05-CV-00329- GKF (SAJ)

TO: Robert V. Schwabe II, dba Hill Haven Farm  
 c/o D. Kenyon Williams, Jr., Esq.  
 Hall, Estill, Hardwick, Gable, Golden & Nelson  
 320 S. Boston Ave., Suite 400  
 Tulsa, Ok 74103

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

xx ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a video deposition in the above case.

PLACE OF DEPOSITION Best Western, 273 S. Highway 59, West Siloam Springs, Ok 74964	DATE AND TIME June 4, 2007 at 1:00 p.m. and June 5, 2007 at 1:00 p.m.
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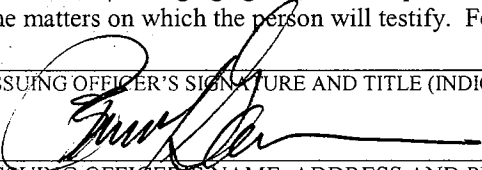
xx ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached exhibit to subpoena.**

PLACE Offices of Richard T. Garren, Riggs, Abney, Neal, Turpen, Orbison & Lewis, 502 W. 6 <sup>th</sup> St., Tulsa, Ok 74110	DATE AND TIME May 11, 2007 at 9:00 a.m.
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☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE May 16, 2007
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

Richard T. Garren, Riggs, Abney, Neal, Turpen, Orbison & Lewis, 502 W. 6<sup>th</sup> St., Tulsa, Ok 74110  
 918/587-3161

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## EXHIBIT TO SUBPOENA DUCES TECUM - DOCUMENT REQUEST

When "you" is used herein this request includes documents relating to yourself Robert V. Schwabe II, and Hill Haven Farm and includes each poultry growing operation in with which you are associated;

1. Copies of all licenses and renewals of licenses issued by ODAFF (Oklahoma Department of Agriculture Food & Forestry).
2. All poultry farm operational handbooks, guidelines or manuals including any amendments thereto created by you or obtained from sources other than your current integrator.
3. All operational manuals, guidelines or handbooks including any amendments thereto delivered or provided to you from any poultry integrator company.
4. All nutrient management plans effecting any land owned or leased by you or poultry growing operation operated by you (current and past).
5. All animal waste management plans effecting any land owned or leased by you or a poultry growing operation operated by you (current and past).
6. Any correspondence, communication, email or document (including any drafts of the same) received from any poultry integrator company, who has supplied poultry to your operations, at any time during its operation, concerning:
  - a. matters reflecting or referring to all operational requirements of your poultry growing operation;
  - b. the subject of the federal court lawsuits regarding several poultry integrator companies: *State v. Tyson et. al.*, Northern District of Oklahoma case number CV-0329-GKF-SAJ or *City of Tulsa v. Tyson Foods, Inc. et.al.*, Northern District of Oklahoma case number 01-CV-900-EA(C).
  - c. matters reflecting or referring to any environmental concerns, course of conduct, and any instruction, direction or request relating to environmental farm management practices.
7. All records required to be maintained by ODAFF in accordance with the Oklahoma Registered Poultry Feeding Operations Act or rules promulgated thereunder, including but not limited to:
  - a. The certificates for educational courses attended for 2005-2006 (Tit.2 OSA Sec. 10-9.5);
  - b. Soil and poultry waste analysis data for as long as your poultry operation site was in operation (2 OSA Sec. 10-9.7(e)(2));
  - c. Records of all poultry waste given or sold to another for as long as your poultry operation site was in operation;
  - d. Records of all poultry waste stored, applied or spread on land in which you have an ownership or leasehold interest for as long as your poultry operation site was in operation;
  - e. Records of all poultry waste generated at your farming facility that was stored, applied or spread on land of another with or without compensation, trade, or barter for as long as your poultry operation site was in operation.

- f. Records of all poultry waste generated that was stored, applied or spread on your land or land of another with or without compensation, trade, or barter for as long as your poultry operation site was in operation.
8. Records of any other disposition or transfer of poultry waste not contained in either 7 (c) through 7(f) above.
9. All records, correspondence and email (including documents down loaded from its website) you received or obtained from the entity, known as Poultry Partners Inc, or its agents or employees, during 2004-2007 concerning:
  - a. Any change in operational requirements of your poultry growing operation;
  - b. The subject of the federal court lawsuit brought by the State of Oklahoma against several poultry integrator companies. (*State v. Tyson et. al.* District Court, Northern District of Oklahoma case number CV-0329-GKF-SAJ)
10. Any document or record containing bio-security guidelines or regulations for your poultry growing operations.
11. Any document, invoice, bill of lading, receipt, delivery ticket, statement, correspondence, spreadsheet, inventory, settlement statement, email or other such record maintained by you, received by you from or sent by you to any person or entity concerning:
  - a. the clean out of poultry waste from your poultry houses;
  - b. the amount of waste produced from your poultry growing operations;
  - c. the amount of poultry waste from your operations which was land applied;
  - d. the location of the site receiving any disposition of poultry waste from your poultry growing operation for each of the years you have operated a poultry growing operation;
  - e. the amount of poultry waste given, sold or disposed of by you or your agent to another person or entity;
  - f. the name and address of every person receiving poultry waste from your poultry growing operations.
  - g. disposition or disposal of bird carcasses
12. All documents and records reflecting the amount and type of all poultry (such as chickens, turkeys, pullets, layers, hens, toms, broilers) grown at your poultry growing operation each year for the period you have operated a poultry growing operation.
13. True and correct copies of Federal and State income tax returns for the past five years.
14. All grower contracts, attachments and amendments with any Poultry Integrator Defendant for anytime during your poultry operations.
15. All feed delivery record receipts and any MSD warning sheets.
16. All documents and materials reflecting, relating, or referring to the ingredients and composition of your present and historical feed formula used at any of your poultry growing operations.
17. All documents and materials reflecting, referring or relating to any reports, studies, analyses, testing, investigations or research of the composition of any well water, spring water, pond water, or creek water on, in or under land used in all poultry operations from 1960 to present.
18. All documents and materials reflecting, referring or relating to any reports, studies, analyses, testing, investigations or research of the composition of any water run off

coming from any land owned, leased, or used in all your farming operations from 1960 to present or land where poultry waste from your poultry operation was land applied..

19. All documents and materials reflecting, referring or relating to any communication or correspondence from or to any representative, officer, agent, or employee of any of the following:
  - a. Poultry Community Council
  - b. Poultry Partners, Inc.
  - c. Poultry.org;
  - d. Oklahoma Poultry.org.
  - e. BMPs, Inc.
  - f. Poultry Federation.
  - g. Any Cargill entity.
20. All documents and records reflecting or referring to any and all hormones, antibiotics or other medicines or vaccines administered at any time to the poultry while in your care or custody
21. All documents and records reflecting or referring to any and all herbicides and commercial fertilizer applied to your lands for any of the last fifteen (15) years.

When used herein the term: "Poultry waste" means poultry litter or poultry feces and any additional material that may be mixed with it such as bedding material, shavings, rice hulls and the like;